

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

NOV 03 2006

JOHN F. CORCORAN, CLERK
BY: *J. Corcoran*
DEPUTY CLERK

JAMES R. BENNETT,

CIVIL No. 6:06cv00017

Plaintiff,

v.

ORDER and OPINION

UNITED STATES OF AMERICA,

Defendant

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff's Motion for Supplemental Pleading, filed on September 21, 2006 (docket entry no. 14). Because it is in the interests of justice to do so, given the early stage at which Plaintiff's request was made and the relatively minor amendments sought, Plaintiff's motion to supplement is GRANTED pursuant to Rule 15(d) of the Federal Rules of Civil Procedure.

Rule 15(d) allows a court to permit a party to serve a supplemental pleading "setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented." Fed. R. Civ. P. 15(d). The court may grant such a motion to supplement only upon "reasonable notice" and upon "such terms as are just." *Id.*

Here, Plaintiff filed his complaint on April 28, 2006 and all of the activities that Plaintiff states in his supplemental pleading have occurred since that date. The activities stated in the supplemental pleading all relate to his claim that the IRS has engaged in unlawful collection activities. Therefore, pursuant to Rule 15(d), the Court will GRANT Plaintiff's motion to supplement. *See, e.g., Ashton v. City of Concord, N.C.*, 337 F. Supp. 2d 735, 740-741 (M.D.N.C.

2004) (granting plaintiff's motion to supplement because the proposed supplement proposes factual allegations of new or continuing acts by the defendant).

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED:

Norman L. Moon
United States District Judge

November 3, 2006
Date